

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANJAY SOOKUL, on behalf of himself and all
others similarly situated,

Plaintiff,

-against-

40s AND SHORTIES LLC,

Defendant.

24-CV-0670 (PAE) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

Plaintiff timely served Defendant 40s and Shorties LLC (“Defendant”) with the summons and Complaint in this matter on May 17, 2024. (*See* ECF 10.) Defendant was therefore required to respond to the Complaint by June 7, 2024. (*See id.*) On June 11, 2024, I issued an Order To Show Cause, directed at Defendant, why an order should not be issued instructing Plaintiff to seek a default judgment against Defendant for failure to defend this action; Plaintiff was required to serve the Order To Show Cause on Defendant by June 14, 2024. (*See* ECF 12.) Plaintiff served the Order to Show Cause on June 18, 2024. (*See* ECF 13.) Subsequently, Plaintiff filed an executed waiver of service returned by Defendant on June 21, 2024, and the answer to the Complaint was due on August 20, 2024. (*See* ECF 14.) To date, Defendant has not responded to the Complaint or satisfied the Order To Show Cause by explaining the reason for the delay.

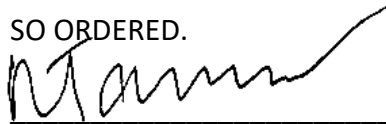
I am sua sponte extending the deadline nunc pro tunc for Defendant to respond to the Complaint and explain the reason for the late response until **September 6, 2024**. By that date, Defendant shall file a response to the Complaint along with a declaration explaining why

Defendant did not timely respond to the Complaint. Plaintiff is directed to serve by **August 26, 2024** a copy of this Order on Defendant. Service shall be made by registered mail at Defendant's principal place of business, identified in the request for summons as 9925 Canoga Avenue, Chatsworth, CA 91311 (ECF 3) **and** by any email addresses used by Defendant and known to Plaintiff. Plaintiff is directed to file confirmation of such mailings on the docket by **August 26, 2024**.

Defendant is warned that failure to respond to this Order may result in an order instructing Plaintiff to seek a default judgment against Defendant for failure to defend this action.

DATED: August 22, 2024
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Robyn F. Tarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge